

REMARKS

The statutory rejection of claims 12 and 17 under 35 USC 112, second paragraph, is traversed above by deleting the antecedents "the." Such deletion is non-narrowing, as is all the other editing of the claims, except the "coupling" limitations, whereby none except the "coupling" limitations invokes any Festo-like limitations.

As to the "coupling" limitations of the claims, they are supported by the original SUMMARY OF THE INVENTION bridging pages 1 and 2 and defined more clearly from the exemplary embodiments.

As a result, the last paragraph of the original specification can now be understood, for example, to specifically exclude glue or fastener, which were, therefore, never mentioned in the original specification. The exclusion of that which was not there is not new matter, because excluded and, thus, still not there, as in the original specification. Claim 22 therefore remains supported by the original specification.

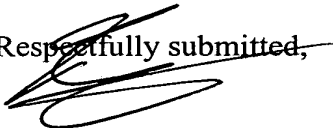
Nevertheless, the exclusion of glue or fastener is a new limitation that should achieve allowance, but if not, must exclude a final first Action.

The exclusion of fastener 24 distinguishes claim 22 from the embodiment of figure 1 of the Wolfensberger patent of the rejection just as the coupling profile for coupling the wall elements distinguishes it from the embodiment of figure 6 of the patent. In the embodiment of figure 6 of the Wolfensberger patent the wall element 74 is clamped between elements 50 and 51, which either are two parts of the claimed coupling profile, whereby there is no cover profile in the patent as claimed, or the coupling is between the coupling and cover profiles of the patent, which it is not as in claim 22, either. Therefore, claim 22 is not anticipated by the Wolfensberger patent under 35 USC 102.

The original clamp-fixed description of the invention that now defines the coupling of claim 1 is described as interengagement or confinement, because a spring or closing function of the clamp-fix was not originally specified and, therefore, may or may not be included with the interengagement or confinement of the coupling defined for claim 1. As with claim 22, the coupling of the wall elements in claim 1 is with the coupling profile, which either eliminates the cover profile from figure 6 of the Wolfensberger patent or makes it clamping between its cover and clamping profiles, which it is not in claim 1.

It should be noted that figure 6 of the Wolfensberger patent does not actually show coupling wall elements 74, 75, as claimed, but a potential for this may exist and, therefore, claim 1 has not been differentiated on this basis. Neither does claim 1 exclude a glue or fastener from some role subservient to the coupling that consists essentially of the coupling profile so that driving a nail into the wall assembly of claim 1 will not avoid infringement.

Reconsideration and allowance are therefore, requested.

Respectfully submitted,


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